

Interview with the PDHR, Raffi Gregorian



– Will you impose solutions on 15th September that should ensure the end of supervision in Brčko District in November?

It has been more than 10 years since the Arbitral Tribunal issued the Final Award creating Brcko District and the Annex to the Final Award. The FA and its Annex oblige the Entities to work with the Supervisor to resolve issues such as entity citizenship of District residents, tax issues, mutual debts, and so on. Nine years ago the entities signed an agreement with the Supervisor and the Brcko Mayor to resolve all these issues, and also nine years ago specific agreements were signed regarding electricity supply, tax, health insurance, pension and other issues. The entity governments that signed these documents all those years ago are made up by the same political parties that are in power today. Over the past nine years they have done nothing to implement these agreements.

The PIC Steering Board accepted my recommendation to aim for closure of Supervision in November, assuming that the Entities and the state fulfil their obligations, including correcting the legal error made by the National Fiscal Council when it excluded Brcko from its share of SFRY succession assets. The PIC Steering Board urged the parties to fulfil the obligations, and set a deadline of September 15, so that a decision on closure can be taken by them in November. Again the parties did nothing.

Now only a day before the deadline, it is procedurally impossible that either entity or the state will be able to adopt any of the necessary measures. I am serious about closing Supervision in November. The parties are not. So if

the deadline is missed, as it appears it will be, the High Representative and I know what to do, and it will be sooner rather than later.

This will give us plenty of time to see whether the Entities and the State implement and adhere to the solutions that are put in place. Once that is clearly done, I will be able to inform the Tribunal that the Final Award is completed. It will be a different matter if there is any hesitation or obstruction from the Entities.

– How do you estimate the current political situation in BiH, and who bears the greatest responsibility for the current problems?

Very negative and very little trust, marked by hate-filled rhetoric including outright lies about historical facts and ill-intentioned claims that people can't live together. It is unfortunate that that the situation became worse after Biden-Solana visit instead of getting it better. The politicians don't act as if they care that their behaviour is hurting BiH's chance for EU and NATO accession.

What I hope is that citizens will think hard before casting their votes at the next general elections and see that those who promote hatred and intolerance today do so because they can't or won't solve problems like unemployment or reform health and education. They are counting on voters to be scared, rather than informed.

– SDA representatives announced a possibility of withdrawal from the BiH Council of Ministers, because they cannot reach an agreement with Špirić with regard to appointment of the BiH minister of security. To what extent will this situation deepen the political crisis in BiH?

It certainly isn't helpful that the Council of Minister is not holding meetings in accordance with the law. Or that the appointment of the deputy prime minister and minister of security are being blocked outside the scope of the law. Or that it is a departure from the agreement on distribution of ministries by the governing coalition. Ministers. I don't know if such extra-legal behaviour will deepen the political crisis, but one thing for sure is that vital work needed to improve the economy of BiH and prepare it for EU and NATO membership is being held hostage to petty politics.

– When will OHR be transformed into EUSR? Have the conditions for departure of High Representative been created at all? Do you believe that BiH authorities will meet the stipulated obligations (five plus two) in time before the next PIC session? What conclusions can we expect from PIC in November?

Timing is entirely up to the domestic political stakeholders. They can make it happen tomorrow if they like. Implement the 5+2 and the PIC Steering Board would vote for OHR transition the next day. However, what we see now are blockages everywhere, reforms halted, 5+2 plan neglected, and all this in a negative political climate deliberately manufactured by people trying to take BiH backward. The International Community's policy is still the same – 5+2 must be implemented before OHR can transition to EUSR.

– Did OHR establish an expert team for state property inventory and when will it start working? At the same time, how do you comment claims by domestic experts that it will be impossible to finish this work by November?

Making an inventory of state property is a technical job that is a prerequisite an eventual agreement on apportionment. It

is simply going through the files and preparing a listing of the property—buildings on plots of land—that legally belong to the state of Bosnia and Herzegovina. Apportionment is something the BiH politicians will have to agree on. The team is established and this week they will start working in the field. It is regrettable that the Council of Ministers Working Group which was established six months ago has not even started working and they have their own deadline of 30 September to complete the inventory.

– Can we expect a reaction from OHR if domestic politicians fail to agree on the population census in BiH?

If this was treated as an economic issue it would be quickly resolved. BiH needs certain statistical information to help economic development and provide governments with information needed for planning. It is also a prerequisite for EU integration and in addition in the future EU funds can only be distributed if there is correct statistical data. With regards to other information such as religion or ethnicity to be contained in the census, there is no EU standard or requirement and it will therefore be up to BiH politicians to agree on. I believe the BiH Parliament could adopt a law on census if certain parties dropped their insistence on including this unnecessary data, or if they returned to the original deal on supporting a completion strategy for returns under Annex VII of Dayton.

– Will OHR extend the mandate of international judges and prosecutors in BiH?

The PIC Steering Board, various international donors, Javier Solana, the High Representative, the OSCE, the UN, the ICTY—in fact the whole international community—agree with the Chief Judge and the Chief Prosecutor that international judges and

prosecutors are still needed. This is made all the more obvious by the fact that politicians blocked their efforts over the past two years to fund the hiring of national judges and prosecutors to replace the internationals when they leave. Everyone knows why a loud minority of parliamentary parties want to block their extension, even though the international community and the majority of people understand why they need to stay for now. We never speculate about what the High Representative might do or not do, but he has made clear that the departure of international judges and prosecutors will weaken BiH's ability to respond to terrorism, organised crime, economic crime, and corruption at exactly the wrong time, when Bosnia and Herzegovina is looking at a visa liberalization regime with the European Union.

– Do you believe it is possible to continue with the Prud process, and in what form?

The so-called Prud Process produced some encouraging agreements on paper. Unfortunately, the parties have not adhered to them, as the failure to complete the state property process and the defeats of the Annex VII return strategy and the effort to begin constitutional talks in the parliament starkly demonstrate. What we see now is members of the governing coalition openly discussing options with opposition parties, so it seems unlikely that the trio formerly known as the "Prud Three" even want to come back to the table. Having in mind proximity of upcoming general elections I am not an optimist.

– Is it realistic to expect an agreement on constitutional reform in BiH before the start of election campaign? What issues could be resolved and agreed on immediately?

Time is very short for dealing with something as serious as

constitutional reform before the end of the year. One thing is certain, with constitutional reform – we as the international community will help, but the product will be domestic, reached through dialogue and consensus of political representatives of all three constituent peoples.

– When can we expect new rehabilitation of removed officials? What is your opinion of Dragan Kalinić's possible return to the political scene?

This process will be finished before OHR is closed. Saying anything else would be a pure speculation and that does not help anyone.

– Will OHR get involved in appointment of the Minister of Security?

The High representative has written to Chair of the Council of Minister Spiric to state his position that all the requirements prescribed by the law on council of Ministers for appointment of Me Ahmetovic have been met. This appointment is very sensitive at a time when BiH is trying to complete all the tasks to get visa liberalization. In addition, while all the appointments are urgent, there is no link between this and any other pending appointments.

– Why are the names of the inventory team not public.

This is a general policy that is applied by all international organizations across the world that individual staff details are confidential. In addition in this case there is no reason to change this policy as this is simply a technical process of collecting information.